

Hon. Edward F. Shea

MARC ROSENBERG
LEE SMART, P.S., INC.
1800 One Convention Place
701 Pike Street
Seattle, WA 98101-3929
(206) 624-7990
Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

AARON MILLER and AUDRIE
MILLER,

Plaintiffs,

vs.

BISHOP, WHITE, MARSHALL
& WEIBEL, P.S.,

Defendant.

No. CV-10-425-EFS

VERIFICATION OF STATE
COURT RECORDS

I am an attorney of record for defendant Bishop, White, Marshall & Weibel, P.S., make this verification for said defendant on its behalf, and am authorized to do so. The attached are true and complete copies of all records and proceedings in *Miller v. Bishop, White, Marshall & Weibel, P.S.*, Spokane County Superior Court Cause No. 10-2-05069-2, excluding copies of documents filed with defendants' Notice of Removal to Federal Court.

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VERIFICATION OF STATE COURT RECORDS - 1
5300929

LEE · SMART

P.S., Inc. · Pacific Northwest Law Offices

1800 One Convention Place · 701 Pike Street · Seattle · WA · 98101-3929
Tel. 206.624.7990 · Toll Free 877.624.7990 · Fax 206.624.5944

1 DATED December 13, 2010.

2 LEE SMART, P.S., INC.

3
4 By: s/ Marc Rosenberg
5 Marc Rosenberg, WSBA No. 31034
6 Of Attorneys for Defendant
7 Bishop, White, Marshall & Weibel, P.S.

8 1800 One Convention Place,
9 701 Pike Street
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11 Phone: (206) 262-8308,
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25

CERTIFICATE OF SERVICE

I hereby certify that on the date provided below, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individual:

Mr. Timothy W. Durkop
Durkop Law Office
2312 N. Cherry Street, Suite 100
Spokane Valley, WA 99216-1152

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

Dated at Seattle, Washington, this December 13, 2010.

LEE SMART, P.S., INC.

By: s/ Marc Rosenberg
Marc Rosenberg, WSBA No. 31034
Of Attorneys for Defendant
Bishop, White, Marshall & Weibel, P.S.

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Email: mr@leesmart.com

FILED

DEC 03 2010

THOMAS R FALLQUIST
SPOKANE COUNTY CLERKSUPERIOR COURT OF WASHINGTON
FOR SPOKANE COUNTY

Aaron Miller, and Audrie Miller,

Plaintiffs,

v.

Bishop, White, Marshall & Weibel, P.S.,

Defendant.

10205069-2

SUMMONS
(20-DAY)

TO THE DEFENDANT:

A lawsuit has been started against you in the above entitled court by the Plaintiffs. The Plaintiffs' claim is stated in the Complaint which was served on you with this Summons.

In order to defend against this law suit, you must respond to the Complaint by stating your defenses in writing, serving a copy on the Plaintiffs within twenty (20) days after the day you were served this Summons. If you were served outside the

SUMMONS - 1

ORIGINAL

**DURKOP LAW OFFICE**

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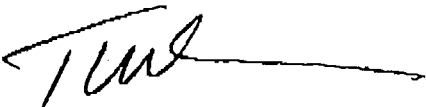
2 state of Washington you shall have 60 days to respond. If you fail to respond within
 4 the twenty days (or sixty days if served outside Washington), the Plaintiffs may
 6 secure a default judgement. A default judgement is one in which the Plaintiffs are
 8 entitled to what they have asked for in the Complaint. If you serve a Notice of
 10 Appearance on the Plaintiffs, you are entitled to notice before a default judgement
 12 will be entered.

14 If this action has not been filed with the court, you may demand that the
 16 plaintiffs file this action with the court. If you do so, the demand must be in writing
 18 and must be served upon the person publishing this summons. Within 14 days after
 20 you serve the demand, the plaintiffs must file this action with the court, or the service
 22 on you of this summons will be void.

24 If you wish to seek the advise of an attorney you should do so promptly so that
 26 your written response may be timely served.

28 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules.

30
 32 Dated: November 4, 2010

34 
 36 Timothy W. Durkop 22985
 38 Attorney for the Plaintiffs
 40

SUMMONS - 2



DURKOP LAW OFFICE
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FILED

DEC 03 2010

THOMAS R FALLQUIST
SPOKANE COUNTY CLERKSUPERIOR COURT OF WASHINGTON
FOR SPOKANE COUNTY

Aaron Miller, and Audrie Miller,

Plaintiffs,

v.

Bishop, White, Marshall & Weibel, P.S.,

Defendant.

10205069-2

COMPLAINT FOR VIOLATIONS OF
THE FAIR DEBT COLLECTION
PRACTICES ACT, THE
WASHINGTON COLLECTION
AGENCY ACT AND THE
WASHINGTON CONSUMER
PROTECTION ACT.

The plaintiffs allege as follows:

1. The court has jurisdiction over the subject matter and parties herein. Plaintiffs reside in Spokane County Washington. The defendant attempted to collect a debt in Spokane County thereby subjecting it to the jurisdiction of Washington Courts. The claims involve violations of Washington and Federal Collection law. Venue in

COMPLAINT FOR VIOLATIONS
OF THE FAIR DEBT COLLECTION
PRACTICES ACT - 1

ORIGINAL



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Spokane County is appropriate since the violations of collection agency law occurred within Spokane County, and the plaintiffs reside in Spokane County.

2. Plaintiffs are each a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).
3. Defendant was attempting to collect a "debt" as defined by FDCPA, 15 USC § 1692a(5). The alleged debt was an obligation or alleged obligation of the Plaintiffs to pay money arising out of a transaction primarily for personal, family, or household purposes. Defendant was attempting to collect a claim as defined by RCW 19.16.100(5).
4. Defendant is a "debt collector" as defined by FDCPA, 15 USC §1692a(6).
5. Defendant, Bishop, White, Marshall & Weibel, P.S., is a Washington corporation which does business throughout the state of Washington within the territorial jurisdiction of this court.
6. Defendant, Bishop, White, Marshall & Weibel, P.S., engages in the collection of debts which were originally due to another by using the phone and mail and other means.
7. The collection of debts is a matter of public interest and is a highly regulated industry.
8. The Defendant violated the FDCPA by serving a lawsuit and commencing litigation within a jurisdiction in which the Plaintiffs did not reside, and which the Plaintiffs had not signed a contract.

**COMPLAINT FOR VIOLATIONS
OF THE FAIR DEBT COLLECTION
PRACTICES ACT - 2**



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2 9. The plaintiffs suffered damages as a result of the violations of federal law.

4
6 WHEREFORE, the plaintiffs pray to the court for the following relief:

- 8 1. This court enter a money judgment in favor of the Plaintiffs and against the Defendant
10 for general damages for stress, aggravation and other emotional damages of
12 \$5,000.00;
- 14 2. This court enter a money judgment in favor of the Plaintiffs and against the Defendant
16 in the amount proven by the evidence for damages for out of pocket expenses;
- 18 3. This court enter a money judgment in favor of the Plaintiffs and against the Defendant
20 in the amount of the attorney fees and costs of bringing this action;
- 22 4. This court enter a money judgment in favor of each of the plaintiffs and against the
24 defendant in the amount of \$1,000.00 per plaintiff for statutory damages under the
26 Fair Debt Collection Practices Act; and
- 28 5. Any other relief which the court deems just and equitable.
30

32 Dated: November 4, 2010

34 By:


Timothy W. Durkop 22985
Attorney for the Plaintiffs

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40

COMPLAINT FOR VIOLATIONS
OF THE FAIR DEBT COLLECTION
PRACTICES ACT - 3



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FILED

DEC 03 2010

THOMAS R FALLQUIST
SPOKANE COUNTY CLERK

(Copy Receipt)

Clerk's Date Stamp

 <p>SUPERIOR COURT OF WASHINGTON COUNTY OF SPOKANE</p>	<p>JUDGE ANNETTE S. PLESE 99</p>
<p>AARON & AUDRIE MILLER</p> <p>Plaintiff(s)/Petitioner(s), vs. BISHOP, WHITE, MARSHALL</p> <p>Defendant(s)/Respondent(s).</p>	<p>CASE NO. 2010-02-05069-2</p> <p>CASE ASSIGNMENT NOTICE AND ORDER (NTAS)</p> <p>CASE STATUS CONFERENCE DATE: MARCH 4, 2011 AT 8:30 AM</p>

ORDER

YOU ARE HEREBY NOTIFIED that this case is preassigned for all further proceedings to the judge noted above. You are required to attend a Case Status Conference before your assigned judge on the date also noted above. The Joint Case Status Report must be completed and brought to the Status Conference. A Case Schedule Order, with the trial date, will be issued at the Status Conference.

Under the individual calendar system, the court will operate on a four-day trial week. Trials will commence on Monday, Tuesday, Wednesday or Thursday. Motion Calendars are held on Friday. All motions, other than ex parte motions, must be scheduled with the assigned judge. Counsel must contact the assigned court to schedule motions and working copies of all motion pleadings must be provided to the assigned court at the time of filing with the Clerk of Court. Pursuant to LCR 40 (b) (10), motions must be confirmed no later than 12:00 noon two days before the hearing by notifying the judicial assistant for the assigned judge.

Please contact the assigned court to schedule matters regarding this case. You may contact the assigned court by phone, court department e-mail or through the Spokane County Superior Court web page at <http://www.spokanecounty.org/superiorcourt>

DATED: 12/03/2010



MARYANN C. MORENO
PRESIDING JUDGE

NOTICE: The plaintiff shall serve a copy of the Case Assignment Notice on the defendant(s).

CASE ASSIGNMENT NOTICE LAR 0.4.1(b) (4/2001) Rpt032

Page 1 of 1

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DEC - 6 2010

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR SPOKANE COUNTY

AARON MILLER and AUDRIE MILLER,

Plaintiffs,

vs.

BISHOP, WHITE, MARSHALL & WEIBEL, P.S.,

Defendant.

No. 10-2-05069-2

NOTICE OF APPEARANCE

[CLERK'S ACTION REQUESTED]


TO: CLERK OF THE COURT

AND TO: ALL PARTIES AND THEIR COUNSEL

PLEASE TAKE NOTICE: the appearance of Defendant Bishop, White, Marshall & Weibel, PS, without waiving objections as to improper service, jurisdiction and venue, or any other affirmative defense, is hereby entered by the undersigned. Service of all further pleadings, notices, documents or other papers, exclusive of original process, may be had by serving counsel at the address below stated.

Respectfully submitted this 3rd day of December, 2010.

LEE SMART, P.S., INC.

By: 
Marc Rosenberg, WSBA No. 31034
Of Attorneys for Defendants

NOTICE OF APPEARANCE - 1
5300679

LEE SMART

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